

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

TAVIS MILLER,

3:14-CV-00872-PK

Plaintiff,

ORDER

v.

UNITED PARCEL SERVICE, INC.,

Defendant.

BROWN, Judge.

On May 13, 2016, Magistrate Judge Paul Papak issued an Order (#55) denying Plaintiff's Motion (#48) to Amend to Assert Claims for Punitive Damages. On May 19, 2016, Plaintiff filed Objections to the Order denying Plaintiff's Motion. The matter is now before this Court pursuant to Federal Rule of Civil Procedure 72(a).

In accordance with Rule 72(a), "[w]hen a pretrial matter not dispositive of a party's claim or defense is referred to a magistrate judge to hear and decide, the magistrate judge must promptly conduct the required proceedings and, when appropriate, issue a written order stating the decision." If a ruling on a

motion is not determinative of "a party's claim or defense," it is not dispositive.¹ Generally the standard of review for an order with objections is "clearly erroneous" or "contrary to law." See also 28 U.S.C. § 636(b)(1)(A)(applying the "clearly erroneous or contrary to law" standard of review for nondispositive motions). Nondispositive motions, however, are not subject to the *de novo* review that is required for findings and recommendations that address dispositive motions. See Title 28 U.S.C. § 636(b)(1)(B).

This Court has carefully considered Plaintiff's Objections and concludes they do not provide a basis to modify the Magistrate Judge's Order. This Court also has reviewed the pertinent portions of the record *de novo* and does not find any error.

CONCLUSION

The Court **AFFIRMS** Magistrate Judge Papak's Order (#55)

¹ A Motion for Leave to Amend is a nondispositive motion. See *Lonn v. Health*, No. 1:14-CV-00031-EJL, 2015 WL 5257115, at n.1 (D. Idaho Sept. 2, 2015)("[A] motion to amend [is] considered a nondispositive motion within the jurisdiction of a United States Magistrate Judge to determine."); *Gessele v. Jack in the Box, Inc.*, 10-CV-00960-BR, 2013 WL 4542033, at *3 (D. Or. Aug. 27, 2013)("[T]his Court has held motions for leave to amend are not dispositive motions, and, therefore, they are reviewed under the 'clearly erroneous' or 'contrary to law' standard." (citing *Tate v. Bennett Law, PLLC*, No. 3:12-CV-00590-SU, 2013 WL 1751289, at *1 (D. Or. Apr. 22, 2013))).

denying Plaintiff's Motion (#48) to Amend to Assert Claims for Punitive Damages.

IT IS SO ORDERED.

DATED this 22nd day of June, 2016.

/s/ Anna J. Brown

ANNA J. BROWN
United States District Judge